

SECOND REGULAR SESSION

HOUSE BILL NO. 1563

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN (73).

Read 1st time January 22, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3816L.011

AN ACT

To repeal sections 72.070, 77.048, 79.020, 79.050, 79.060, 79.070, 79.090, 79.100, 79.110, 79.120, 79.130, 79.140, 79.150, 79.160, 79.165, 79.180, 79.210, 79.230, 79.240, 79.260, 79.270, 79.280, 79.300, 79.310, 79.320, 79.330, 79.340, 79.350, 79.360, 79.365, 79.370, 79.380, 79.390, 79.400, 79.410, 79.430, 79.440, 79.450, 79.460, 79.470, 81.030, 88.110, 88.251, 88.673, 88.680, 88.700, 88.703, 88.707, 88.710, 88.713, 88.770, 88.773, 90.010, 90.020, 94.190, 94.200, 94.210, 94.220, 94.240, 94.250, 94.270, 94.290, 94.320, 94.330, 95.355, 95.365, 95.370, 95.375, 95.385, 95.405, 95.410, 95.510, and 392.090, RSMo, and to enact in lieu thereof seventy-four new sections relating to boards of aldermen in cities of the fourth classification.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 72.070, 77.048, 79.020, 79.050, 79.060, 79.070, 79.090, 79.100, 2 79.110, 79.120, 79.130, 79.140, 79.150, 79.160, 79.165, 79.180, 79.210, 79.230, 79.240, 79.260, 3 79.270, 79.280, 79.300, 79.310, 79.320, 79.330, 79.340, 79.350, 79.360, 79.365, 79.370, 79.380, 4 79.390, 79.400, 79.410, 79.430, 79.440, 79.450, 79.460, 79.470, 81.030, 88.110, 88.251, 88.673, 5 88.680, 88.700, 88.703, 88.707, 88.710, 88.713, 88.770, 88.773, 90.010, 90.020, 94.190, 94.200, 6 94.210, 94.220, 94.240, 94.250, 94.270, 94.290, 94.320, 94.330, 95.355, 95.365, 95.370, 95.375, 7 95.385, 95.405, 95.410, 95.510, and 392.090, RSMo, are repealed and seventy-four new sections 8 enacted in lieu thereof, to be known as sections 72.070, 77.048, 79.011, 79.020, 79.050, 79.060, 9 79.070, 79.090, 79.100, 79.110, 79.120, 79.130, 79.140, 79.150, 79.160, 79.165, 79.180, 79.210, 10 79.230, 79.240, 79.260, 79.270, 79.280, 79.300, 79.310, 79.320, 79.330, 79.340, 79.350, 79.360, 11 79.365, 79.370, 79.380, 79.390, 79.400, 79.410, 79.430, 79.440, 79.450, 79.460, 79.470, 81.030,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 88.110, 88.251, 88.673, 88.680, 88.700, 88.703, 88.707, 88.710, 88.713, 88.770, 88.773, 90.010,
13 90.020, 94.190, 94.200, 94.210, 94.220, 94.240, 94.250, 94.270, 94.290, 94.320, 94.330, 95.355,
14 95.365, 95.370, 95.375, 95.385, 95.405, 95.410, 95.510, and 392.090, to read as follows:

72.070. Any city, town or village in this state, existing by virtue of the present general
2 law, or by any local or special law, may elect to become a city of the class to which its population
3 would entitle it under the provisions of sections 72.030 to 72.140, or who may elect to become
4 a city of a class to which it may be eligible as otherwise provided by section 72.040 or section
5 72.050 shall proceed by passing an ordinance or proposition, and submitting the same to the legal
6 voters of such city, town or village, at an election to be held for that purpose, not less than twenty
7 days nor more than thirty days after the passage of such ordinance or proposition; and if a
8 majority of such voters voting at such election shall ratify such ordinance or proposition, the
9 mayor or chief officer of such city, town, or village shall issue his proclamation, declaring the
10 result of such election, and thereafter such city, town, or village shall, by virtue of such vote, be
11 incorporated under the provisions of the general law providing for the government of the class
12 to which such city belongs. Whenever any village shall elect to become a city of the class to
13 which it is entitled, the officers of such village, until new officers shall be elected and qualified,
14 shall be the officers of such city, with the powers and functions corresponding to the powers and
15 functions of the officers of the former village, the chairman of the board of trustees to act as
16 mayor and the remaining trustees to act as aldermen **or council members as defined in section**
17 **79.011, RSMo**, with the power to divide the city into wards and to call an election of officers of
18 such city and to submit to the voters of such city in the manner provided by law such other
19 matters or propositions as they may deem proper and as may be authorized by law. Any city
20 eligible for more than one classification shall alter that classification pursuant to the procedure
21 contained in this section.

77.048. Except as provided in sections 77.042 to 77.048, the mayor and city council of
2 any [third class city and the mayor and board of aldermen of any fourth class city] **city of the**
3 **third classification, or any city of the fourth classification** which adopts the city administrator
4 form of government, shall retain all the powers given to it by the laws applying to the city before
5 the city administrator form of government was adopted, and all laws governing the city under
6 its prior form of government and not inconsistent with [the provisions of] sections 77.042 to
7 77.048 shall apply to and govern the city after it adopts this form of government. All bylaws,
8 ordinances, and resolutions lawfully passed and in force at the time the city administrator form
9 of government is adopted shall remain in force until repealed or altered by the council [or board
10 of aldermen].

79.011. 1. As used in the statutory laws governing cities of the fourth classification
2 **of this state, unless the context expressly indicates otherwise, the following terms mean:**

3 (1) "City council" or "council", the legislative body of any city of the fourth
4 classification, including any legislative body that was designated as a board of aldermen
5 in such city's orders or ordinances enacted before or after the effective date of this act;

6 (2) "Council member" or "member", a member of the legislative body of any city
7 of the fourth classification, including any member of such legislative bodies who is
8 designated as an alderman in such city's orders or ordinances enacted before or after the
9 effective date of this act;

10 (3) "Legislative body", the chief governing body of any city of the fourth
11 classification, including any legislative body that was designated as a board of aldermen
12 in such city's orders or ordinances enacted before or after the effective date of this act.

13 2. Nothing in this section shall be construed to require any city of the fourth
14 classification to revise any of its orders or ordinances to change the designation of its
15 legislative body to city council or council, or to change the designation of any member of
16 its legislative body to council member or member.

79.020. The mayor and [board of aldermen] **council** of such city, whether the [same] city
2 shall have been incorporated before becoming a city of the fourth [class] **classification** or not,
3 with the consent of a majority of the voters of such city voting on the question, shall have power
4 to extend the limits of the city over territory adjacent thereto, and to diminish the limits of the
5 city by excluding territory therefrom, and shall, in every case, have power, with the consent of
6 the voters as aforesaid, to extend or diminish the city limits in such manner as in their judgment
7 and discretion may redound to the benefit of the city.

79.050. 1. The following officers shall be elected by the qualified voters of the city, and
2 shall hold office for the term of two years, except as otherwise provided in this section, and until
3 their successors are elected and qualified[, to wit]: mayor and [board of aldermen] **city council**.
4 The [board of aldermen] **council** may provide by ordinance, after the approval of a majority of
5 the voters voting at an election at which the issue is submitted, for the appointment of a collector
6 and for the appointment of a chief of police, who shall perform all duties required of the marshal
7 by law, and any other police officers found by the [board of aldermen] **council** to be necessary
8 for the good government of the city. The marshal or chief of police shall be twenty-one years
9 of age or older. If the [board of aldermen] **council** does not provide for the appointment of a
10 chief of police and collector as provided by this section, a city marshal, who shall be twenty-one
11 years of age or older, and collector shall be elected, and the [board of aldermen] **council** may
12 provide by ordinance that the same person may be elected marshal and collector, at the same
13 election, and hold both offices and the [board of aldermen] **council** may provide by ordinance
14 for the election of city assessor, city attorney, city clerk and street commissioner, who shall hold
15 their respective offices for a term of two years and until their successors shall be elected or

16 appointed and qualified, except that the term of the city marshal shall be four years.

2. The [board of aldermen] **council** may provide by ordinance that the term of mayor and
2 of the collector shall be four years. Any person elected as mayor or collector after the passage
3 of such an ordinance shall serve for a term of four years and until [his] **a** successor is elected and
4 qualified.

3. The [board of aldermen] **council** may provide by ordinance that the term of the [board
2 of aldermen] **council** shall be four years. Such ordinance shall be submitted by the board to the
3 voters of the city and shall take effect only upon the approval of a majority of the voters voting
4 at an election at which the issue is submitted. Any person elected to the [board of aldermen]
5 **council** after the passage of such an ordinance shall serve for a term of four years and until [his]
6 **a** successor is elected and qualified.

79.060. The [board of aldermen] **council** shall, by ordinance, divide the city into not less
2 than two wards, and two [aldermen] **members** shall be elected from each ward by the qualified
3 voters thereof, at the first election for [aldermen] **members** in cities adopting the provisions of
4 this chapter. At such election for [aldermen] **members**, the person receiving the highest number
5 of votes in each ward shall hold [his] office for two years, and the person receiving the next
6 highest number of votes shall hold [his] office for one year; but thereafter each ward shall elect
7 annually one [alderman] **member**, who shall hold [his] office for two years.

79.070. No person shall be [an alderman] **a member** unless [he or she] **such person** is
2 at least twenty-one years of age, a citizen of the United States, and an inhabitant and resident of
3 the city for one year next preceding [his or her] **the** election, and a resident, at the time [he or
4 she] **the person** files and during the time [he or she] **the person** serves, of the ward from which
5 [he or she] **the person** is elected.

79.090. The board shall elect one of their own number who shall be styled "acting
2 president of the [board of aldermen] **council**" and who shall serve for a term of one year.

79.100. When any vacancy shall happen in the office of mayor by death, resignation,
2 removal from the city, removal from office, refusal to qualify, or from any other cause whatever,
3 the acting president of the [board of aldermen] **council** shall, for the time being, perform the
4 duties of mayor, with all the rights, privileges, powers and jurisdiction of the mayor, until such
5 vacancy be filled or such disability be removed; or, in case of temporary absence, until the
6 mayor's return.

79.110. The mayor and [board of aldermen] **council** of each city governed by this chapter
2 shall have the care, management and control of the city and its finances, and shall have power
3 to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state,
4 and such as they shall deem expedient for the good government of the city, the preservation of
5 peace and good order, the benefit of trade and commerce and the health of the inhabitants

6 thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry
7 such powers into effect, and to alter, modify or repeal the same.

79.120. The mayor shall have a seat in and preside over the [board of aldermen] **council**,
2 but shall not vote on any question except in case of a tie, [nor] **and** shall [he] **not** preside or vote
3 in cases when [he] **the mayor** is an interested party. [He] **The mayor** shall exercise a general
4 supervision over all the officers and affairs of the city, and shall take care that the ordinances of
5 the city, and the state laws relating to such city, are complied with.

79.130. The style of the ordinances of the city shall be: "Be it ordained by the [board of
2 aldermen] **council** of the city of, as follows:" No ordinance shall be passed except by bill,
3 and no bill shall become an ordinance unless on its final passage a majority of the members
4 elected to the [board of aldermen] **council** shall vote for it, and the ayes and nays be entered on
5 the journal. Every proposed ordinance shall be introduced to the [board of aldermen] **council**
6 in writing and shall be read by title or in full two times prior to passage, both readings may occur
7 at a single meeting of the [board of aldermen] **council**. If the proposed ordinance is read by title
8 only, copies of the proposed ordinance shall be made available for public inspection [prior to]
9 **before** the time the bill is under consideration by the [board of aldermen] **council**. No bill shall
10 become an ordinance until it shall have been signed by the mayor or person exercising the duties
11 of the mayor's office, or shall have been passed over the mayor's veto, as herein provided.

79.140. Every bill duly passed by the [board of aldermen] **council** and presented to **and**
2 **approved by** the mayor [and by him approved] shall become an ordinance, and every bill
3 presented as aforesaid, but returned with the mayor's objections thereto, shall stand reconsidered.
4 The [board of aldermen] **council** shall cause the objections of the mayor to be entered at large
5 upon the journal, and proceed at its convenience to consider the question pending, which shall
6 be in this form: "Shall the bill pass, the objections of the mayor thereto notwithstanding?" The
7 vote on this question shall be taken by ayes and nays and the names entered upon the journal, and
8 if two-thirds of all the members-elect shall vote in the affirmative, the city clerk shall certify the
9 fact on the roll, and the bill thus certified shall be deposited with the proper officer, and shall
10 become an ordinance in the same manner and with like effect as if it had received the approval
11 of the mayor. The mayor shall have power to sign or veto any ordinance passed by the [board
12 of aldermen] **council**; provided, that should [he] **the mayor** neglect or refuse to sign any
13 ordinance and return the same with [his] objections, in writing, at the next regular meeting of the
14 [board of aldermen] **council**, the same shall become a law without [his] **the mayor's** signature.

79.150. The [board of aldermen] **council** shall cause to be kept a journal of its
2 proceedings, and the ayes and nays shall be entered on any question at the request of any two
3 members. The [board of aldermen] **council** may prescribe and enforce such rules as it may find
4 necessary for the expeditious transaction of its business.

79.160. The [board of aldermen] **council** shall semiannually each year, at times to be set
2 by the [board of aldermen] **council**, make out and spread upon [their] **its** records a full and
3 detailed account and statement of the receipts and expenditures and indebtedness of the city for
4 the half year ending with the last day of the month immediately preceding the date of such report,
5 which account and statement shall be published in some newspaper in the city.

79.165. In the event the financial statement of any [fourth class] city **of the fourth**
2 **classification** is not published as required by section 79.160, the treasurer of such city shall not
3 pay out any money of the city on any warrant or order of the [board of aldermen] **council** after
4 the end of the month in which such financial statement should have been published until such
5 time as such financial statement is published. Any treasurer violating [the provisions of] this
6 section shall be deemed guilty of a class A misdemeanor.

79.180. The [board of aldermen] **council** shall have power to compel the attendance of
2 witnesses and the production of papers and records relating to any subject under consideration
3 in which the interest of the city is involved, and shall have power to call on the proper officers
4 of the city, or of the county in which such city is located, to execute such process. The officer
5 making such service shall be allowed to receive therefor such fees as are allowed by law in the
6 circuit court for similar services, to be paid by the city. The mayor or acting president of the
7 [board of aldermen] **council** shall have power to administer oaths to witnesses.

79.210. The mayor shall, from time to time, communicate to the [board of aldermen]
2 **council** such measures as may, in [his] **the mayor's** opinion, tend to the improvement of the
3 finances, the police, health, security, ornament, comfort and general prosperity of the city.

79.230. The mayor, with the consent and approval of the majority of the members of the
2 [board of aldermen] **council**, shall have power to appoint a treasurer, city attorney, city assessor,
3 street commissioner and night watchman, and such other officers as [he may be] authorized by
4 ordinance to appoint, and if deemed for the best interests of the city, the mayor and [board of
5 aldermen] **council** may, by ordinance, employ special counsel to represent the city, either in a
6 case of a vacancy in the office of city attorney or to assist the city attorney, and pay reasonable
7 compensation therefor, and the person elected marshal may be appointed to and hold the office
8 of street commissioner.

79.240. The mayor may, with the consent of a majority of all the members elected to the
2 [board of aldermen] **council**, remove from office, for cause shown, any elective officer of the
3 city, such officer being first given opportunity, together with [his] **the officer's** witnesses, to be
4 heard before the [board of aldermen] **council** sitting as a board of impeachment. Any elective
5 officer, including the mayor, may in like manner, for cause shown, be removed from office by
6 a two-thirds vote of all members elected to the [board of aldermen] **council**, independently of
7 the mayor's approval or recommendation. The mayor may, with the consent of a majority of all

8 the members elected to the [board of aldermen] **council**, remove from office any appointive
9 officer of the city at will, and any such appointive officer may be so removed by a two-thirds
10 vote of all the members elected to the [board of aldermen] **council**, independently of the mayor's
11 approval or recommendation. The [board of aldermen] **council** may pass ordinances regulating
12 the manner of impeachments and removals.

79.260. Every officer of the city and [his] **each officer's** assistants, and every [alderman]
2 **member**, before entering upon the duties of [his] office, shall take and subscribe to an oath or
3 affirmation before some court of record in the county, or the city clerk, that [he] **the officer,**
4 **assistant, or member** possesses all the qualifications prescribed for [his] **the** office by law; that
5 [he] **the officer, assistant, or member** will support the Constitution of the United States and of
6 the state of Missouri, the provisions of all laws of this state affecting cities of this class, and the
7 ordinances of the city, and **perform** faithfully [demean himself] while in office; which official
8 oath or affirmation shall be filed with the city clerk. Every officer of the corporation, when
9 required by law or ordinance, shall, within fifteen days after [his] appointment or election, and
10 before entering upon the discharge of the duties of [his] office, give bond to the city in such sum
11 and with such sureties as may be designated by ordinance, conditioned upon the faithful
12 performance of [his duty] **the duties of office**, and that [he] **the officer** will pay over all moneys
13 belonging to the city, as provided by law, that may come into [his] **the officer's** hands. If any
14 person elected or appointed to any office shall fail to take and subscribe such oath or affirmation,
15 or to give bond as herein required, [his] **the** office shall be deemed vacant. For any breach of
16 condition of any such bond, suit may be instituted thereon by the city, or by any person in the
17 name of the city to the use of such person.

79.270. The [board of aldermen] **council** shall have power to fix the compensation of
2 all the officers and employees of the city, by ordinance. But the salary of an officer shall not be
3 changed during the time for which [he] **the officer** was elected or appointed.

79.280. If a vacancy occurs in any elective office, the mayor or the person exercising the
2 duties of the mayor shall cause a special meeting of the [board of aldermen] **council** to convene
3 where a successor to the vacant office shall be selected by appointment by the mayor with the
4 advice and consent of a majority of the remaining members of the [board of aldermen] **council**.
5 If the vacancy is in the office of mayor, nominations of a successor may be made by any member
6 of the [board of aldermen] **council** and selected with the consent of a majority of the members
7 of the [board of aldermen] **council**. The [board of aldermen] **council** may adopt procedures to
8 fill vacancies consistent with this section. The successor shall serve until the next regular
9 municipal election. If a vacancy occurs in any office not elective, the mayor shall appoint a
10 suitable person to discharge the duties of such office until the first regular meeting of the [board
11 of aldermen] **council** thereafter, at which time such vacancy shall be permanently filled.

79.300. The treasurer shall receive and safely keep all moneys, warrants, books, bonds
2 and obligations entrusted to [his care] **the treasurer**, and shall pay over all moneys, bonds or
3 other obligations of the city on warrants or orders, duly drawn, passed or ordered by the [board
4 of aldermen] **council**, and signed by the mayor and attested by the city clerk, and having the seal
5 of the city affixed thereto, and not otherwise; and shall perform such other duties as may be
6 required [of him] by ordinance. Before entering upon the duties of [his] **the office** [he], **the**
7 **treasurer** shall give bond in such sum as may be required by ordinance.

79.310. The collector shall, annually, at such times as may be designated by ordinance,
2 make a detailed report to the [board of aldermen] **council**, stating the various moneys collected
3 [by him] during the year, and the amounts uncollected and the names of the persons from which
4 [he] **the collector** failed to collect and the causes therefor.

79.320. The [board of aldermen] **council** shall elect a clerk for such board, to be known
2 as "the city clerk", whose duties and term of office shall be fixed by ordinance. Among other
3 things, the city clerk shall keep a journal of the proceedings of the [board of aldermen] **council**.
4 [He] **The city clerk** shall safely and properly keep all the records and papers belonging to the
5 city which may be entrusted to [his] **the clerk's** care; [he] shall be the general accountant of the
6 city; [he] is hereby empowered to administer official oaths and oaths to persons certifying to
7 demands or claims against the city.

79.330. The [board of aldermen] **council** may by ordinance provide that hereafter the
2 same person shall hold the offices of marshal and collector, in which case [his] **the** official title
3 shall be "marshal and ex officio collector".

79.340. It shall be the duty of all the officers of the city to report annually to the [board
2 of aldermen] **council**, such reports to embrace a full statement of the receipts and expenditures
3 of their respective offices, and such other matters as may be required by the [board of aldermen]
4 **council**, by ordinance, resolution or otherwise.

79.350. The mayor or [board of aldermen] **council** shall have power, as often as [he or
2 they may deem it] **deemed** necessary, to require any officer of the city to exhibit [his] **the**
3 **officer's** accounts or other papers or records, and to make report to the [board of aldermen]
4 **council**, in writing, touching any matter relating to [his] **the** office.

79.360. Any member of the [board of aldermen] **council** or officer of the city who shall,
2 in official capacity, or under color of [his] **the** office, knowingly or willfully or corruptly vote
3 or assent to, or report in favor of or allow or certify for allowance, any claim or demand against
4 the city, which claim or demand shall be on account of or under color of a contract or agreement
5 not authorized by law and the ordinances of the city, shall be deemed guilty of a misdemeanor,
6 and shall, upon conviction thereof, be punished by imprisonment in the county jail for not more
7 than one year or by a fine not exceeding five hundred dollars, or by both such fine and

8 imprisonment.

79.365. Notwithstanding any other provision of law to the contrary, in all cities of the
2 fourth class, the [board of alderpersons] **council** shall have the authority to fix the compensation,
3 not to exceed two hundred dollars per month, of members of the planning and zoning
4 commission, the board of adjustment, the park board and the board of police commissioners of
5 the city by ordinance.

79.370. The [board of aldermen] **council** shall have power, by ordinance, to secure the
2 general health of the inhabitants of the city by any measure to regulate, suppress and abate
3 slaughterhouses, slaughtering animals, stockyards, soap and other factories, pig pens, cow
4 stables, and other stables and dairies, and to remove the same, and to regulate or prevent the
5 carrying on of any business which may be dangerous or detrimental to the public health, or the
6 manufacturing or rendering of articles obnoxious to the health of the inhabitants; and to pass
7 ordinances for the prevention of nuisances and their abatement.

79.380. The [board of aldermen] **council** may make regulations and pass ordinances for
2 the prevention of the introduction of contagious diseases in the city, and for the abatement of the
3 same, and may make quarantine laws and enforce the same within five miles of the city. They
4 may purchase or condemn and hold for the city, within or without the city limits, or within ten
5 miles therefrom, all necessary lands for hospital purposes, waterworks, sewer carriage and
6 outfall, and erect, establish and regulate hospitals, workhouses, poorhouses, airports and provide
7 for the government and support of the same, and make regulations to secure the general health
8 of the city, and to prevent and remove nuisances; except that the condemnation of any property
9 outside of the city limits shall be regulated in all respects as the condemnation of property for
10 railroad purposes is regulated by law. The police jurisdiction of the city shall extend over such
11 land and property to the same extent as over other city property, as provided in this chapter.

79.390. The [board of aldermen] **council** may establish, alter and change the channel of
2 watercourses, and wall them and cover them over, and prevent obstructions thereon, and may
3 establish, make and regulate public wells, cisterns and reservoirs of water, and provide for filling
4 the same. The [board of aldermen] **council** may purchase grounds and erect and establish market
5 houses and marketplaces, and regulate and govern the same, and also contract with any person
6 or persons, association or corporation, for the erection, maintenance and regulation of market
7 houses, and marketplaces, on such terms and conditions and in such manner as the [board of
8 aldermen] **council** may prescribe. They may also provide for the erection, purchase or renting
9 of the city hall, workhouse, houses of correction, prisons, engine houses, and any and all other
10 necessary buildings for the city, and may sell, lease, abolish or otherwise dispose of the same,
11 and may enclose, improve, regulate, purchase or sell all public parks or other public grounds
12 belonging to the city, and may purchase and hold grounds for public parks within the city, or

13 within three miles thereof.

79.400. 1. The [board of aldermen] **council** may prescribe limits within the city within
2 which no lumberyard or woodyard shall be kept, and may regulate, restrain or prohibit the
3 erection or maintenance of any fence composed in whole or in part of barbed wire, along or
4 adjacent to any public street, avenue, alley, park, lane, cemetery or other public grounds.

5 2. The [board of aldermen] **council** may also regulate or prohibit the running at large of
6 cattle, hogs, horses, mules, sheep, goats and all other domestic animals, also geese, ducks,
7 chickens, turkeys and all other domestic fowls and cause such animals or fowls as may be
8 running at large to be impounded and sold in such manner and at such time as may be prescribed
9 by ordinance.

10 3. They may also provide penalties for the owners or keepers who shall permit such
11 animals or fowls to be at large.

12 4. The [board of aldermen] **council** may also provide for the erection of all needful
13 pounds, pens and buildings for the use of the city, within or without the city limits, and appoint
14 and compensate keepers thereof and establish and enforce rules governing the same.

15 5. The [board of aldermen] **council** may also tax, regulate and restrain and prohibit the
16 running at large of dogs, and provide for their destruction when at large contrary to ordinance,
17 and impose penalties on the owners or keepers thereof.

79.410. The [board of aldermen] **council** may prohibit and prevent all encroachments
2 into and upon sidewalks, streets, avenues, alleys and other public places of the city, and may
3 provide for the removal of obstructions from the sidewalks, curbstones, gutters and crosswalks,
4 at the expense of the owners or occupants of the ground fronting thereon, or at the expense of
5 the person causing the same; they may also regulate the planting of shade trees, erecting of
6 awnings, hitching posts, lamp posts, awning posts, telephone, telegraph and electric light poles,
7 and making of excavations through and under the sidewalks or in any public street, avenue, alley
8 or other public place within the city. They may prevent and punish for all horseracing, or other
9 racing, fast riding or driving or training in the streets, highways, avenues, alleys, or over bridges
10 or through tunnels in the city, and all games, practices or amusements therein likely to result in
11 damage to any person or property, and to regulate, prevent and punish for the riding, driving,
12 leading, standing, hitching or passing of horses, mules, oxen or other teams or stock or animals
13 or any vehicle over or upon or across or along any sidewalk, street, avenue or alley of the city.

79.430. The [board of aldermen] **council** shall have power to purchase, receive, and to
2 hold real estate, as herein mentioned, for public cemeteries, either within or without the city,
3 within a distance of three miles thereof, and the city and its officers shall have jurisdiction over
4 the said cemeteries wherever located; provided, that no such cemetery shall exceed eighty acres
5 in one body. The [board of aldermen] **council** shall provide for the survey, platting, grading,

6 fencing, ornamenting and improving of all the cemetery ground, and the avenues leading thereto,
7 owned by the city, and may construct walks and protect ornamental trees, and provide for paying
8 the expenses therefor. The [board of aldermen] **council** may make rules and pass ordinances
9 imposing penalties and fines, regulating, protecting and governing city cemeteries, the owners
10 of lots therein, visitors thereto, and punish trespassers therein, and the officers of such city shall
11 have as full jurisdiction and power in the enforcing of such rules and ordinances as though they
12 related to the city itself.

79.440. The cemetery lots shall be conveyed by certificates, signed by the mayor,
2 countersigned by the clerk, under the seal of the city, specifying that the purchaser to whom the
3 same is issued is the owner of the lot described therein by numbers, as laid down upon the
4 official map or plat of such cemetery made by the city, for the purpose of interment, and such
5 certificate shall vest in the purchaser, [his or her] **the purchaser's** heirs or assigns, a right in fee
6 simple to such lots, for the sole purpose of interment, under the regulations of the [board of
7 aldermen] **council**. Such certificates shall be entitled to be recorded in the office of recorder of
8 deeds of the proper county without further acknowledgment, and such description of lots shall
9 be deemed and recognized as sufficient description thereof. The [board of aldermen] **council**
10 may limit the number of lots owned by the same person at the same time, and may prescribe rules
11 for enclosing, adorning and erecting monuments, tombstones and ornaments on cemetery lots,
12 and prohibit any improper adornment thereof; but no religious test shall be made to the
13 ownership of the lots, or the burials had therein, or for the ornamentation of graves or lots.

79.450. 1. The [board of aldermen] **council** shall enact ordinances to prohibit and
2 suppress houses of prostitution and other disorderly houses and practices, including gambling
3 and gambling houses, and all kinds of public indecencies, and may prohibit the selling or giving
4 of intoxicating liquors to any minor or habitual drunkard.

5 2. The [board of aldermen] **council** shall also enact ordinances to restrain and prohibit
6 riots, noises, assaults and batteries, disturbances of the peace, disturbances of religious and other
7 lawful assemblies, indecent shows, exhibitions or concerts in any street, house or place in the
8 city, disorderly assemblies, and to regulate, restrain and prevent the discharge of firearms, and
9 the keeping and discharge of rockets, powder, fireworks or other dangerous combustible
10 materials in the streets or in limits of the city.

11 3. The [board of aldermen] **council** may also regulate and control the construction of
12 buildings, the construction and cleaning of fireplaces, chimneys, stoves and stovepipes, ovens,
13 boilers, kettles, forges or any apparatus used in any building, manufactory or business which may
14 be dangerous in causing or promoting fires, and may provide for the inspection of the same.

15 4. The [board of aldermen] **council** may also provide by ordinance limits within which
16 no building shall be constructed except of brick or stone or other incombustible materials, with

17 fireproof roofs, and impose a penalty for the violation of such ordinance, and may cause
18 buildings commenced, put up or removed into such limits in violation of such ordinance, to be
19 removed or abated.

20 5. The [board of aldermen] **council** may also purchase fire engines, hook and ladder
21 outfits, hose and hose carts, buckets and all other apparatus useful in the extinguishing of fires,
22 and organize fire companies and prescribe rules of duty for the government thereof, with such
23 penalties for the violation thereof as they may deem proper, and not exceeding one hundred
24 dollars and to make all necessary expenditures for the purchase of such fire apparatus and the
25 payment of such fire companies.

26 6. The [board of aldermen] **council** may enact or make all ordinances, rules and
27 regulations necessary to carry out the purposes of this chapter.

28 7. The [board of aldermen] **council** may enact or make all ordinances, rules and
29 regulations, not inconsistent with the laws of the state, expedient for maintaining the peace, good
30 government and welfare of the city and its trade and commerce.

79.460. The [board of aldermen] **council** may adopt ordinances providing for the
2 prohibition of and punishment for the carrying of concealed deadly weapons, and may also adopt
3 ordinances providing for the prohibition of vagrancy and providing that upon conviction one
4 adjudged guilty may be imprisoned, fined or set to work.

79.470. For all ordinance violations the [board of aldermen] **council** may impose
2 penalties not exceeding a fine of five hundred dollars and costs, or ninety days' imprisonment,
3 or both the fine and imprisonment. Where the city and state have a penalty for the same offense,
4 the board shall set the same penalty by ordinance as is set by statute, except that imprisonments,
5 when made under city ordinances, may be in the city prison or workhouse instead of the county
6 jail.

81.030. 1. Any such city may at any time, by ordinance and at the expense of the city,
2 cause an enumeration of its inhabitants to be made, and its population ascertained, and such
3 census, when so taken, shall have like force and effect as a state or national census to authorize
4 such city to proceed in securing such other incorporation as its population may entitle it to under
5 the laws and constitution of this state, and for any other purpose that the laws may require, or
6 have any other act or thing to be done making the population a basis thereof; and should the
7 [board of aldermen, councilmen] **council** or trustees fail or refuse to pass an ordinance for the
8 taking of the census, when requested in writing to do so, then a petition may be presented to the
9 [board of aldermen, councilmen] **council** or trustees, signed by not less than twenty-five resident
10 citizens of such city or town, asking the board **or council** to pass an ordinance providing for the
11 taking of the census of such city, and the board **or council** shall then pass an ordinance providing
12 for the taking of the census; and should the [board of aldermen, councilmen] **council** or trustees

13 fail or refuse to pass an ordinance providing for the taking of the census within thirty days from
14 the date of filing said petition with the city clerk, then the mayor shall, by proclamation, order
15 the city marshal to take the census of such city, and when taken by the city marshal, under the
16 proclamation of the mayor, it shall have the same force and effect in law as if taken under an
17 ordinance passed by the [board of aldermen,] city council or board of trustees.

18 2. Any person taking such census shall make return thereof, under oath, and file the same
19 with the city clerk, and after said census is returned in either of the above modes, all courts of
20 this state shall take judicial notice of the population of such city or town; provided, however, that
21 the census shall not be taken in any city or town [oftener] **more** than once every two years, unless
22 the [board of aldermen, councilmen] **council** or board of trustees shall be of the opinion that the
23 public good demands and requires a new census, when they may provide for it.

24 3. Any person failing or refusing to comply with this section, or any person who shall
25 make a false return, shall be deemed guilty of a misdemeanor, and shall be punished by fine not
26 less than ten dollars or more than one hundred dollars, and may be ousted from office.

27 4. This section shall apply to cities of the fourth class, and towns and villages, and cities
28 and towns under special charters.

88.110. Before any ordinance making provision for such reassessment, or the creation
2 of such assessment district, shall be put upon its passage, the [board of aldermen, or other] local
3 legislative body before which it is pending, shall appoint a day upon which it will hear and
4 consider any and all objections to such ordinance and shall give public notice of the time and
5 place and matter thus to be considered, which said notice shall be addressed to all persons
6 interested; shall set forth in full the pending ordinance; shall state that at the appointed time and
7 place all landowners within the assessment district defined by said ordinance, and all other
8 persons interested, may appear before said legislative body and be heard upon all matters
9 pertinent to said ordinance; and shall be published once a week for two weeks, the last
10 publication to be at least one week before such day of hearing, in some newspaper of general
11 circulation published in the city wherein said ordinance is pending, or if there be no newspaper
12 published in said city, then in the county wherein said city is situated. After said hearing has
13 been had, said ordinance may be passed, rejected or amended as justice may require.

88.251. Each franchise or contract provided for in sections 71.530, RSMo, 77.210,
2 RSMo, 78.190, 78.630, RSMo, and sections 88.613, 88.770, and 88.773 shall remain on file with
3 the city clerk for public inspection at least thirty days before the final passage or adoption
4 thereof. The effective date of such franchise or contract shall be the earliest date upon which one
5 of the following events occurs: the bill approving the franchise or contract is signed by the
6 mayor or person exercising the duties of the mayor's office; the [board of aldermen] **legislative**
7 **body** overrides the mayor's veto; or the conclusion of the next meeting of the [board of

8 aldermen] **legislative body** when the mayor has neither signed nor vetoed the bill. Every such
9 franchise or contract provided for above shall be subject to approval or disapproval of the voters
10 of such city whenever twenty-five percent of the voters of such city, as appears from the number
11 of voters who voted for mayor at the last preceding municipal election, file with the city clerk,
12 within thirty days after the passing of the franchise or contract, a petition, in the following form,
13 calling for the submission of the question of approval or disapproval of the grant of the franchise
14 or contract to the voters of such city at a special election or at a regular municipal election:

15 To the city clerk of.

16 We, the undersigned, hereby request the appropriate election authority to submit the grant
17 of the following franchise or contract to the electors of at a special election
18 or at a regular municipal election.

19 (State nature of franchise or contract.)

20

21 Upon receipt of such a petition by the city clerk, it shall be the duty of the city clerk to determine
22 whether the petition has presented the question in the form required by this section and whether
23 the petition has been executed in compliance with the terms of subsection 4 of section 115.019,
24 RSMo. If the petition satisfies the requirements of this section and subsection 4 of section
25 115.019, RSMo, the city clerk shall cause the appropriate election authority to give notice of an
26 election and to submit the question of approval or disapproval of the grant of the franchise or
27 contract to the voters at a special election, or at a regular municipal election. Not later than the
28 tenth Tuesday prior to an election, the city clerk shall send to the appropriate election authority
29 a certified copy of the legal notice to be published. The legal notice shall include the particular
30 question to be voted on at such election, the date and time of the election and a sample ballot.
31 The appropriate election authority shall cause legal notice of such election to be published as
32 required in chapter 115, RSMo. The ballots used when voting upon such franchise or contract
33 shall contain, but not be limited to, the following language:

34 Shall the city of (name of city) enter into the contract to
35 (State nature of proposed contract or franchise)?

36 G YES

G NO

37

38 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
39 to the question, place an "X" in the box opposite "No".

40

41 If a majority of the voters voting on that issue vote against such franchise or contract, the same
42 shall no longer be effective on the date the election authority certifies the election results. If a
43 majority of the qualified voters voting on such proposed franchise or contract shall vote in favor

44 thereof, such franchise or contract shall continue to be an effective, valid and binding franchise
45 or contract of the city and shall remain in full force and effect and cannot be repealed or
46 amended. Nothing contained herein shall be interpreted to prohibit the granting of a franchise
47 by the use of the right of initiative petition.

88.673. The [board of aldermen] **city council** shall have power to create, open and
2 improve any public square, public park, street, avenue, alley or other highway, old or new, and
3 also to vacate or discontinue the same whenever deemed necessary or expedient; provided, that
4 all damages sustained by the citizens of the city or the owners of the property therein shall be
5 ascertained as prescribed in that portion of this chapter relating to the condemnation of private
6 property for public use; and provided further, that whenever any public square, street, avenue or
7 alley, or other highway, shall be vacated, the same shall revert to the owners of the adjacent lots
8 in proportion as it was taken from them; and when the grade of any street or alley shall have been
9 once established by ordinance, it shall not be lawful to change such grade without making
10 compensation to all persons owning real estate on such street or square, avenue, alley or other
11 highway, who may be damaged by such change of grade, to be determined and governed in all
12 respects, with reference to benefit and damages, as is provided in sections 88.667 to 88.773.

88.680. The cost of paving, macadamizing, guttering and curbing (where such curb is
2 set out into the street beyond the sidewalks) all streets, avenues, alleys and other highways, or
3 any part thereof or any connection therewith, and repairing the same, and for doing all excavating
4 and grading necessary for the same, after said streets, avenues, alleys and other highways, or
5 parts thereof or connections therewith, have been first brought to grade, as provided in section
6 88.670, shall be levied as a special assessment upon all lots and pieces of ground upon either side
7 of such street, avenue, alley or other highway, or part thereof or connection therewith, abutting
8 thereon, along the distance improved, in proportion to the front foot; provided, that the cost of
9 paving, macadamizing, curbing and guttering any street, avenue, alley or highway, or any part
10 thereof, and the cost of repairing and cleaning of the same and of making and repairing sidewalks
11 may be paid out of the general revenue fund of the city or other funds which the city may have
12 for such purposes, if the [board of aldermen] **city council** so desires, in which case the
13 proceedings of the city for such improvements shall specify that payment will be made out of the
14 general revenue funds or other funds in whole or in part.

88.700. When the [board of aldermen] **city council** shall deem it necessary to pave,
2 macadamize, gutter, curb (when such is set out in the street beyond the sidewalk) or otherwise
3 improve any street, avenue, alley or other highway, or any part thereof, within the limits of the
4 city for which a special tax is to be levied as herein provided, the [board of aldermen] **city**
5 **council** shall, by resolution, declare the work or improvements necessary to be done, and cause
6 the resolutions to be published in some newspaper published in the city for seven consecutive

7 insertions in a daily paper or two consecutive insertions in a weekly paper. If a majority of the
8 owners of the property liable to taxation therefor, residing in the city at the date of the passage
9 of such resolution, shall not, within ten days from the date of the last insertion of the resolution,
10 file with the city clerk their protest against, then the [board of aldermen] **city council** may cause
11 the improvements to be made, and to contract therefor, and to levy the tax as herein provided.
12 The findings of the [board] **council** that a majority of such owners have not filed protest shall
13 be conclusive and final. No publication shall be necessary for the making of any sidewalks, but
14 upon the petition of any ten citizens of the city the [board of aldermen] **city council** may make
15 contracts for the construction of sidewalks, including grading therefor, with or without curbing,
16 along any street, avenue or other public highway, or any part thereof whatever. The contract
17 shall be let to the lowest and best bidder, upon plans and specifications filed therefor by the city
18 engineer or other officer designated by the [board of aldermen] **city council**, with the city clerk,
19 not less than one week's advertisement for bids thereupon being made in some newspaper
20 published in the city. When upon proper advertisement no bid is received, the [board of
21 aldermen] **city council** may proceed as provided in section 88.826.

88.703. No formality shall be required to authorize the repairing of sidewalks, or of street
2 or other paving, curbing, guttering, macadamizing or part thereof, or reconstructing the same,
3 and making assessments therefor; but the proper officer or committee on improvements may,
4 without notice, cause such work to be done, keeping an account of the cost thereof, and reporting
5 the same to the [board of aldermen] **council** for assessment; and each lot or piece of ground
6 abutting on such sidewalk, street, avenue, or alley, or part thereof, shall be liable for its part of
7 the cost of any work or improvement provided for in sections 88.700 and 88.703, done or made
8 along or in front of such lot or piece of ground as reported to the [board of aldermen] **council**,
9 and all lands, lots and public parks owned by any county or city, and all other public lands, all
10 cemeteries, owned by public, private or municipal corporations; provided, that nothing in this
11 section shall be construed to authorize any assessment against any cemetery lot, and all railroad
12 rights-of-way fronting or abutting on any of said improvements shall be liable for their
13 proportionate part of the cost of such work and improvements, and tax bills shall be issued
14 against said property as against other property, and any county or city that shall own any such
15 property shall out of the general revenue funds pay any such tax bill, and in any case where any
16 county or city or railroad company shall fail to pay any such tax bill, the owner of the same may
17 sue such county, city or railroad company on such tax bill and be entitled to recover a general
18 judgment against such county, city or railroad company. Any of said improvements to be paid
19 for by such city may be paid for by said city out of the general revenue funds if the council so
20 desires, but all such work and improvements shall be paid for with special tax bills unless the
21 proceedings of the city for the same specify that payment will be made out of the general revenue

22 funds of said city. The [board of aldermen] **council** may provide a penalty for failure to pay such
23 special tax within a given time, and any tax bills issued in payment of such repairs shall
24 constitute a lien upon the property liable therefor until paid. All costs for building and
25 constructing sidewalks shall be paid to the contractor therefor, in special tax bills assessed
26 against the abutting property liable therefor, and such tax bills shall constitute a lien upon such
27 property until paid, and shall bear interest at eight percent per annum from the date of issue.

88.707. When the [board of aldermen] **council** of any city of the fourth [class]
2 **classification** shall deem it necessary to pave, macadamize, gutter, curb, grade or otherwise
3 improve the roadway of any street or avenue for a distance not more than twelve hundred feet
4 in length so as to connect at both ends with paving, macadamizing, guttering, curbing, grading
5 or other improvements either on the same street or avenue or other streets or avenues, or on the
6 same street or avenue and another street or avenue, the [board of aldermen] **council** shall declare
7 such work to be necessary to be done and shall cause the same proceedings to be had as are
8 provided in section 88.700, except no protest may be filed. The resolution passed and published
9 shall state the fact that anyone desiring to do so may appear before the [board of aldermen]
10 **council** at a time stated therein and be heard on the question of the necessity of the work sought
11 to be done, and if anyone does so appear he shall be heard, and the [board of aldermen] **council**
12 shall, by resolution, state the result of such hearing to be a reaffirmance of the necessity for the
13 doing of such work or the contrary, as the [board of aldermen] **council** may then decide. If no
14 one appears, or if the [board of aldermen reaffirm] **council reaffirms** the necessity of the doing
15 of such work and improvement, then it shall proceed with such work and improvement in the
16 manner in this chapter provided for such work and improvement when no sufficient protest
17 against such improvement is filed within the time limited therefor.

88.710. The [board of aldermen] **council** shall have power, by ordinance, to provide for
2 and require the building and repairing of sidewalks and sidewalk curbing along any streets,
3 avenues or highways of such city, the cost thereof to be levied as a special assessment on all lots
4 or pieces of ground abutting on such improvements in proportion to the front foot thereof, and
5 to impose a fine and penalty for the violation of such ordinance. Corner lots shall be liable for
6 the extension of curbs and sidewalks to the curb lines each way.

88.713. In addition to the powers herein granted, the [board of aldermen] **council** may,
2 by ordinance or resolution, condemn wooden and defective sidewalks, and may remove walks
3 so condemned, and may provide for the construction of new sidewalks in the place of walks so
4 condemned and removed.

88.770. 1. The [board of aldermen] **council** may provide for and regulate the lighting
2 of streets and the erection of lamp posts, poles and lights therefor, and may make contracts with
3 any person, association or corporation, either private or municipal, for the lighting of the streets

4 and other public places of the city with gas, electricity or otherwise, except that each initial
5 contract shall be ratified by a majority of the voters of the city voting on the question and any
6 renewal contract or extension shall be subject to voter approval of the majority of the voters
7 voting on the question, pursuant to [the provisions of] section 88.251. The [board of aldermen]
8 **council** may erect, maintain and operate gas works, electric light works, or light works of any
9 other kind or name, and to erect lamp posts, electric light poles, or any other apparatus or
10 appliances necessary to light the streets, avenues, alleys or other public places, and to supply
11 private lights for the use of the inhabitants of the city and its suburbs, and may regulate the same,
12 and may prescribe and regulate the rates to be paid by the consumers thereof, and may acquire
13 by purchase, donation or condemnation suitable grounds within or without the city upon which
14 to erect such works and the right-of-way to and from such works, and also the right-of-way for
15 laying gas pipes, electric wires under or above the grounds, and erecting posts and poles and such
16 other apparatus and appliances as may be necessary for the efficient operation of such works.
17 The [board of aldermen] **council** may, in its discretion, grant the right to any person, persons or
18 corporation, to erect such works and lay the pipe, wires, and erect the posts, poles and other
19 necessary apparatus and appliances therefor, upon such terms as may be prescribed by ordinance.
20 Such rights shall not extend for a longer time than twenty years, but may be renewed for another
21 period or periods not to exceed twenty years per period. Every initial grant shall be approved by
22 a majority of the voters of the municipality voting on the question, and each renewal or extension
23 of such rights shall be subject to voter approval of the majority of the voters voting on the
24 question, pursuant to [the provisions of] section 88.251. Nothing herein contained shall be so
25 construed as to prevent the [board of aldermen] **council** from contracting with any person,
26 persons or corporation for furnishing the city with gas or electric lights in cities where franchises
27 have already been granted, and where gas or electric light plants already exist, without a vote of
28 the people, except that the [board of aldermen] **council** may sell, convey, encumber, lease,
29 abolish or otherwise dispose of any public utilities owned by the city including electric light
30 systems, electric distribution systems or transmission lines, or any part of the electric light
31 systems, electric or other heat systems, electric or other power systems, electric or other railways,
32 gas plants, telephone systems, telegraph systems, transportation systems of any kind, waterworks,
33 equipments and all public utilities not herein enumerated and everything acquired therefor, after
34 first having passed an ordinance setting forth the terms of the sale, conveyance or encumbrance
35 and when ratified by two-thirds of the voters voting on the question.

36 2. The ballots shall be substantially in the following form and shall indicate the property,
37 or portion thereof, and whether the same is to be sold, leased or encumbered:

38 Shall (Indicate the property by stating whether electric
39 distribution system, electric transmission lines or waterworks, etc.) be

40 (Indicate whether sold, leased or encumbered.)?

88.773. 1. The [board of aldermen] **council** may make contracts with any person,
2 association or corporation, either private or municipal, for furnishing the city with water, and for
3 supplying fire hydrants and public fountains, but no such contract shall be made for a longer time
4 than twenty years. Any initial contract must be ratified by a vote of a majority of the voters of
5 the city voting on the question. Any renewal contracts entered into under the provisions of this
6 section shall be subject to voter approval of the majority of the voters voting on the question,
7 pursuant to section 88.251.

8 2. The [board of aldermen] **council** may also erect, maintain and operate waterworks for
9 the city, and may regulate the same, may prescribe and regulate the rates to charge to private
10 consumers of water furnished from such waterworks, and may acquire by purchase, donation or
11 condemnation, suitable grounds within or without the city, upon which to erect such works, and
12 the right-of-way to and from such works, and also the right-of-way for laying water pipes and
13 posts and telephone, telephone exchanges with other cities and towns, telegraph or electric wires
14 and poles, under or above the ground, as may be necessary for the efficient operation of such
15 waterworks; all of which shall be done in such manner as shall be prescribed by ordinance;
16 except that the [board of aldermen] **council** may, in its discretion, grant the right to any person,
17 persons or corporation to erect, maintain and operate waterworks, and lay pipes, erect poles and
18 telegraph, telephone exchanges with other cities and towns, and other electric wires, under or
19 above ground, as may be necessary for the efficient operation of such works, upon such terms
20 as the [board of aldermen] **council** may prescribe by ordinance, and in no case shall such right
21 extend for a longer period than twenty years; except that such right may be renewed for another
22 period or periods not to exceed twenty years per period. Every initial grant for such services
23 shall be approved by a majority of voters voting on the question. Every renewal or extension
24 shall be subject to voter approval of the majority of the voters voting on the question, pursuant
25 to [the provisions of] section 88.251. Nothing in this section shall be so construed as to prevent
26 the [board of aldermen] **council** from contracting with any person, association or corporation for
27 supplying fire hydrants and public fountains, in cities where franchises have already been
28 granted, and where waterworks already exist, without a vote of the people.

90.010. 1. Whenever any city desires to establish a park or pleasure grounds, the
2 common council or mayor and board of aldermen **or legislative body** of such city is hereby
3 authorized and empowered to acquire property for such purposes by gift, purchase or
4 condemnation of lands in such city or within one mile thereof, and for that purpose may borrow
5 money and issue bonds in payment thereof, and shall by ordinance describe the metes and bounds
6 of such lands to be purchased or condemned. Lands owned by such city may by ordinance be
7 converted, set aside or appropriated for parks or pleasure grounds. Such city may levy an annual

8 tax not to exceed two mills on the dollar for the maintenance of such parks or pleasure grounds,
9 and such tax shall be levied and collected in like manner with other general taxes of such city,
10 but the funds received therefrom shall be kept separate and apart from all other funds of the city
11 and shall be deposited in the park fund.

12 2. Taxes levied and collected in accordance with the provisions of this section shall not
13 be included in calculating any amount of taxes which may be levied and collected for general
14 municipal purposes.

15 3. The annual tax for park and pleasure grounds may be set at any amount approved by
16 the qualified voters of the city in the manner prescribed by section 90.500 which amount if
17 approved by the voters shall be in addition to the maximum amount authorized by this section
18 or any other section for parks and pleasure purposes. The city council may submit the tax to the
19 voters or citizens may petition in accordance with the provisions of section 90.500. The ballot
20 and the vote for the tax shall be in accordance with procedures set forth in section 90.500.

90.020. The common council or mayor and board of aldermen, **or legislative body** in
2 proceedings by ordinance to purchase or condemn lands for the purpose stated in section 90.010,
3 shall proceed in the manner provided by law, or in the manner provided in the charter of such
4 city for the condemnation of lands for the establishment of streets, avenues, alleys or market
5 places, or public squares; and on such condemnation and the payment of the appraisement as
6 therein provided, the title of such land shall vest in such city for the uses and purposes for which
7 it was taken.

94.190. 1. In cities of the fourth class, the city assessor, jointly with the county assessor,
2 shall assess all real and personal property in the city, and the assessment so made, after being
3 passed upon by the board of equalization, shall be the basis upon which the [board of aldermen]
4 **council** shall make the levy for city purposes.

5 2. The assessments of city property made by the city and county assessors shall conform
6 to each other and after the board of equalization has passed upon and equalized the assessment,
7 the city assessor's books shall be corrected in red ink in accordance with the changes made by
8 the board of equalization and so certified by the board and returned to the [board of aldermen]
9 **council**.

10 3. In cities which do not elect an assessor, the county clerk shall deliver to the mayor,
11 on or before the first day of October of each year, a certified abstract from [his] **the** assessment
12 books of all property within the city subject to taxation by the state and the assessed value thereof
13 as agreed upon by the board of equalization. The mayor shall immediately transmit the abstract
14 to the council which shall establish by ordinance the rate of taxes for the year.

15 4. A lien is hereby created in favor of the city against any lot or tract of land for any such
16 tax assessed by any such city against the lot or tract of land, which lien shall be superior to all

17 other liens or encumbrances except the lien of the state for state, county, or school taxes.

94.200. The [board of aldermen] **council** shall, from time to time, provide by ordinance
2 for the levy and collection of all taxes, licenses, wharfage and other duties not herein
3 enumerated, and for neglect or refusal to pay the same, shall fix such penalties as are now or may
4 hereafter be authorized by law or ordinance.

94.210. The [board of aldermen] **council** shall, within a reasonable time after the
2 assessor's books of each year are returned, ascertain the amount of money to be raised thereon
3 for general and other purposes, and fix the annual rate of levy therefor by ordinance.

94.220. In case the corporate authorities of the city have attempted to levy any tax or
2 assessment for improvements, or for the payment of interest or coupons on bonds issued and
3 outstanding, or other evidences of debt, which tax or assessment may be informal, illegal or void
4 in consequence of a failure to comply with the requirements of law, the [board of aldermen]
5 **council** shall have power to relevy and reassess any such tax or assessment in manner provided
6 in sections 94.190 to 94.330.

94.240. The mayor and [board of aldermen] **council** shall have no power to release any
2 person from the payment of any tax, or exempt any person from any burden imposed by law.

94.250. 1. All cities of the fourth class in this state may by city ordinance levy and
2 impose annually for municipal purposes upon all subjects and objects of taxation within such
3 cities a tax which shall not exceed the maximum rate of one dollar on the one hundred dollars
4 assessed valuation.

2. The maximum rate of taxation for general municipal purposes may be increased for
6 not to exceed four years at any one time when the rate and purpose of such increase are submitted
7 to a vote and two-thirds of the voters voting thereon vote in favor of the increase, but the increase
8 so voted shall be limited to a maximum rate of taxation not to exceed thirty cents on the one
9 hundred dollars assessed valuation. The [board of aldermen] **council** of such cities may submit
10 the question, and the question shall be submitted by the [board of aldermen] **council** when
11 petitioned therefor by voters equaling in number five percent or more of the voters of such cities
12 voting for mayor at the last election at which a mayor was elected.

13 3. The question shall be submitted in substantially the following form:

14 Shall there be a cent increase in tax levy on one hundred dollars valuation for general
15 municipal purposes for years in the city of?

16 4. If the increase in levy is voted, the increased levy shall be effective for the number of
17 years designated, and no longer, but such cities through their boards of aldermen may submit
18 proposals for continuing the increase of levy at any time for like periods not to exceed four years
19 each.

94.270. The mayor and [board of aldermen] **council** shall have power and authority to

2 regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers,
3 peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners,
4 restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other
5 tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public
6 buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters,
7 public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving
8 picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers,
9 mercantile agents, gas companies, insurance companies, insurance agents, express companies,
10 and express agents, telegraph companies, light, power and water companies, telephone
11 companies, manufacturing and other corporations or institutions, automobile agencies, and
12 dealers, public garages, automobile repair shops or both combined, dealers in automobile
13 accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink
14 stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other
15 vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations
16 whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to
17 license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and
18 employment offices and agencies, public masquerades, balls, street exhibitions, dance houses,
19 fortune tellers, pistol galleries, corn doctors, private venereal hospitals, museums, menageries,
20 equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers,
21 magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables,
22 theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling
23 houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking
24 shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters
25 and all others pursuing like occupations, with or without vehicles, and to prescribe their
26 compensation; and to regulate, license and restrain runners for steamboats, cars, and public
27 houses; and to license ferries, and to regulate the same and the landing thereof within the limits
28 of the city, and to license and tax auto liveries, auto drays and jitneys.

94.290. When the [board of aldermen] **council** shall have fixed the rate of taxation for
2 any given year, the city clerk shall make out appropriate and accurate tax books, and shall therein
3 set out in suitable columns, opposite the name of each person and the item of taxable property,
4 as returned by the assessor and board of equalization, the amount of taxes, whether general or
5 special, due thereon, and shall charge the collector with the full amount of taxes levied and to
6 be collected; the clerk shall also charge the city collector with all licenses and other duties of all
7 kinds to be collected.

94.320. 1. The [board of aldermen] **council** shall require the collector, at the first
2 meeting of the board in April of each year, or as soon thereafter as may be, to make out, under

3 oath, lists of delinquent taxes remaining due and uncollected for each year, to be known as "the
4 land and lot delinquent list" and "the personal delinquent list".

5 2. The [board of aldermen] **council**, at the meeting at which the delinquent lists are
6 returned or as soon as may be thereafter, shall examine the lists carefully, and if it appear that
7 all property and taxes contained in the lists are properly returned as delinquent, the board shall
8 approve the lists, enter a record thereof in the journal and credit the amount thereof to the
9 account of the city collector.

10 3. The board shall return the delinquent lists to the collector, charging [him] **the**
11 **collector** therewith, and [he] **the collector** shall proceed to collect the same in the same manner
12 as provided by law for state and county taxes.

94.330. The city collector shall report to the [board of aldermen] **council**, at the regular
2 meetings in each month, all taxes collected on the real and personal delinquent lists; and [he]
3 shall pay the same into the city treasury, and shall receive credit therefor. [He] **The collector**
4 shall turn over to [his] **the** successor in office all uncollected delinquent lists, receiving credit
5 therefor, and [his] **the** successor shall be charged therewith; provided, that the [board of
6 aldermen] **council** may declare worthless any and all personal delinquent taxes which they may
7 deem uncollectible.

95.355. [Boards of aldermen] **City councils** in cities of the fourth [class] **classification**,
2 at their first regular meetings in the months of January, April, July and October of each year, may
3 select a depositary for the funds of their respective cities, for the length of time and under the
4 rules and regulations that are provided and prescribed by ordinance therefor. The rights and
5 duties of the parties to the depositary contract are as provided in section 110.010, RSMo. The
6 deposits shall be secured by deposit of securities as required by sections 110.010 and 110.020,
7 RSMo. The depositary shall be a banking institution doing business within the city. If such
8 depositary cannot be selected, or such satisfactory arrangements made, the [boards of aldermen]
9 **councils** may invest the moneys upon the terms and under the conditions provided by law for the
10 loaning of county and school moneys.

95.365. No money shall be paid out of the treasury except on a warrant signed by the
2 mayor and attested by the city clerk. No warrant shall be drawn upon the treasurer, nor shall any
3 ordinance appropriating money be passed, unless there is an unexpended balance to the credit
4 of the city in the fund in the treasury upon which such warrant is drawn, to meet such warrant,
5 or a sufficient sum of unappropriated money in the fund in the treasury upon which such
6 ordinance is drawn, to meet such ordinance. Every bill that contemplates the payment of money
7 shall, upon its second reading, be referred to the treasurer, or the person acting as treasurer, for
8 [his] **the treasurer's** endorsement, to the effect that a sufficient sum stands to the credit of the
9 city, unappropriated, in the fund covered by such ordinance, to meet the requirements of such

10 bill. The treasurer shall report to the [board of aldermen] **council**, on or before the first day of
11 July in each year, the amount of receipts and expenditures of the treasury, the amount of money
12 on hand, and the amount of bonds falling due, if any, for the redemption of which provision must
13 be made; also, the amount of interest to be paid during the next fiscal year. [He] **The treasurer**
14 shall also perform such other duties in the line of [his] **the** office as may be required [of him] by
15 ordinance. The report of the treasurer may be published if deemed necessary by the [board of
16 aldermen] **council**.

95.370. The mayor and [board of aldermen] **council** of any city of the fourth [class]
2 **classification**, upon the assent of the constitutionally required percentage of the voters of the city
3 voting on the question, may, by ordinance, issue bonds of the city in amounts not less than one
4 hundred dollars each, for the purpose of paying any indebtedness of such city, reduced to
5 judgment, which bonds shall run for a period not exceeding twenty years, may carry interest at
6 a rate not exceeding the rate per annum authorized by law, which shall be signed by the mayor,
7 attested by the city clerk, and shall bear the seal of the city.

95.375. No such bonds shall be issued in such a manner as to increase the indebtedness
2 of the said city, but such bonds shall be sold as directed by the [board of aldermen] **council** of
3 such city, and the proceeds thereof shall be applied only to the payment and discharge of the
4 judgment and decrees of any court for the payment of which the same may be issued, and such
5 bonds so sold shall be delivered at the same time that the judgment and decrees aforesaid shall
6 be paid and discharged.

95.385. For the purpose of testing the sense of the voters upon the proposition to issue
2 bonds and levy tax provided for in sections 95.370, 95.375 and 95.380, the mayor and [board of
3 aldermen] **council** of such city shall order the question to be submitted to the voters of the city.

95.405. The [board of aldermen] **council** of any city of the fourth [class] **classification**
2 may issue bonds for the erection or purchase of public buildings, bridges, waterworks, electric
3 light plants and ice plants, public parks, and other improvements, and for the establishment and
4 maintenance of a fire department, in the manner and within the limits provided by sections
5 95.120 to 95.160.

95.410. The [board of aldermen] **council** shall have the power to levy, annually, taxes
2 upon all taxable property within the city in addition to other taxes, and in sufficient amount for
3 the purpose of paying the interest and principal as may become due on all bonds now issued and
4 outstanding, and such taxes shall be collected in the same manner and time as other taxes. The
5 mayor and [board of aldermen] **council** shall also have power, by ordinance, to issue bonds
6 payable in one year, to an amount not exceeding half the current revenue for the fiscal year, and
7 also to issue bonds in renewal of other bonds of the city maturing for the requisite amount and
8 which the city has no fund to pay. Such renewal bonds shall not bear a greater average rate of

9 interest than did the original bonds, and shall not run for a longer time than ten years. The mayor
10 and [board of aldermen] **council** shall also have power, by ordinance, to issue bonds for the
11 purpose of funding the floating indebtedness of the city existing at the time of its incorporation
12 as a city of the fourth class. The mayor and [board of aldermen] **council** shall have power, by
13 ordinance, to issue bonds for the purpose of extinguishing or paying off any indebtedness against
14 any such city of the fourth class; provided, such indebtedness has been contracted by and with
15 the consent of the constitutionally required percentage of the voters voting in favor of the
16 question and declared by any court of competent jurisdiction to be a legal and valid indebtedness,
17 and which has or may hereafter become a judgment against such city. The aggregate amount of
18 such judgment and existing indebtedness shall not exceed the constitutional limit of such city,
19 and such bonds shall not bear any greater rate of interest than the rate per annum permitted by
20 law, and shall not run for a longer time than twenty years.

95.510. In the event that at any time the United States, or any qualified authority thereof,
2 shall propose to establish and improve, within any city in this state now or hereafter having a
3 population of four hundred thousand inhabitants or more, a national park or plaza, intended and
4 designed to commemorate any great event or movement in our national history, to be accessible
5 to the public under federal regulation, and to cover an area within such city of not less than one
6 million square feet, and one thousand or more voters of such city shall petition the board of
7 aldermen **or council** of such city, asking that the question be submitted to the voters to determine
8 whether, in consideration of and in order to induce the location and establishment of such
9 improved park or plaza in such city, the city shall incur indebtedness and evidence the same by
10 the issuance of bonds for the purpose of providing funds to make the payment by way of
11 assistance herein referred to, it shall be the duty of the board of aldermen **or council** as soon as
12 conveniently may be, to submit the question to the voters.

392.090. The mayor and aldermen or board of common council **or legislative body** of
2 any city, and the trustees of any incorporated town, through which the lines of any telephone or
3 telegraph company are to pass, may, by ordinance or otherwise, specify where the posts, piers
4 or abutments shall [b{e}] **be** located, the kind of posts that shall be used, the height at which the
5 wires shall be run; and such company shall be governed by the regulations thus prescribed; and
6 after the erection of said telephone or telegraph lines, the said mayor and aldermen, or board of
7 common council, **or legislative body**, and the trustees of any incorporated town, shall have
8 power to direct any alteration in the location or erection of said posts, piers or abutments, and
9 also in the height at which the wires shall run, having first given such company or its agents
10 opportunity to be heard in regard to such alteration.